DRAFT

Minutes
Council/RDA Meeting
City Council/Redevelopment Agency
City of Huntington Beach

Monday, March 3, 2008
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audio recording of the 4:00 p.m. portion of this meeting and a video recording of the 6:00 p.m. portion of this meeting are on file in the Office of the City Clerk and are archived at www.surfcity-hb.org.

The 4:00 p.m. portion of the meeting was recessed by Senior Deputy City Clerk Rebecca Ross to 4:30 p.m. in Room B-8 due to a lack of quorum.

Call to Order

Mayor Cook called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:33 p.m., in Room B-8.

City Council/Redevelopment Agency Roll Call

Present: Hansen, Hardy, Bohr, Cook, Coerper, and Carchio.
Absent: Green. (The City Council granted permission for the absence of Councilmember Cathy Green pursuant to Resolution No. 2001-54)

(Councilmember Hardy arrived at 4:36 p.m.)

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced the following communication received by the City Clerk's Office Pertaining to the Study Session Portion of the Meeting:

PowerPoint communication submitted by Dan Villella, Finance Director dated March 3, 2008 and titled, *2008 Long-Term Financial Plan - City Council Study Session.*

Public Comments — None

(City Council) Study Session No. 1 Held - A Presentation by Craig Hoshijima, Senior Managing Consultant of Public Financial Management - A Review of the Long Term Financial Plan

Interim City Administrator Paul Emery called on Dan Villella, Finance Director, to provide a report. Director Villella stated that the Long-Term Financial Plan addresses financial goals for the City's Strategic Plan, and introduced Craig Hoshijima, Senior Managing Consultant with

Public Financial Management.

Consultant Hoshijima provided a PowerPoint report that included the following information: Background, Components of the Long-Term Financial Plan (LTFP), Ten Year Projections: Ten-Year General Fund Forecast, General Fund Revenue Assumptions, General Fund Expenditure Assumptions, Special Revenue Fund Forecast, Infrastructure Needs: Funded Infrastructure, The Integrated Infrastructure Management Program (IIMP), Total Unfunded/IIMP Nine-Year Infrastructure Needs, IIMP Infrastructure Included in LTFP, Debt Refinancing, Strategies to Address Infrastructure Shortfall, New Revenues, New Revenues for Infrastructure, Potential New Revenues by Infrastructure Category, Risk Analysis: Rationale for Risk Analysis, Historical Assessed Value, Historical Taxable Sales, Scenario One: Flat Property Tax Growth, Scenario Two: Decrease in Sales Tax, Additional Risks and Next Steps.

Councilmember Hardy questioned the high property tax growth figures presented, indicating that her home is currently being re-assessed and will likely show a 25% decrease in value. She referenced data discussed on historical assessed values and requested to see applicable data prior to 1992 when the housing prices dropped significantly. She also questioned the sales tax declines of 1.3% in FY 2008-09, followed by a 5% growth thereafter, stating her opinion that the reported growth numbers are too optimistic. Consultant Hoshijima explained that based upon lead indicators for sales tax and property tax growth, the numbers are not precipitous, adding that the projections are highly variable and will continue to be monitored by staff. He informed Council that the City monitors foreclosures and property values, and based upon these findings, does not believe the median values have declined.

Director Villella specified that the Long-Term Financial Plan provides a 10-year projection that includes a ten-year history, indicating a sales tax average of 5.2% including the five-year decline. He explained how property values have not decreased to what they were prior to Councilmember Hardy's home purchase in 2005. He advised Council that the City has a large number of pre-Proposition 13 parcels that still show an increase in value, while decreases are shown from year 2004 to date.

Councilmember Hardy questioned the low percentage of salary growth indicated under the General Fund Expenditure Assumptions through year 2011-12. Director Villella described assumption amortization calculations.

Mayor Pro Tem Bohr addressed sales tax revenue, stating that while it is conceivable that citizens may spend less in sales tax dollars, the City could be capturing a higher percentage of what is spent as major projects come on board. Director Villella discussed the correlation of anticipated major projects and larger residential developments that could provide increased sales tax revenue. Mayor Pro Tem Bohr referred to previous discussions with Director Villella regarding the number of homes that are still on the rolls at pre-Proposition 13 assessments.

Councilmember Coerper questioned the percentage of salary growth reported based upon existing Memorandum of Understandings (MOU's), and if any remain outstanding. Administrator Emery indicated that the Fire Management Association (FMA) MOU is outstanding. Council-member Coerper inquired who is responsible for ensuring that the City has sufficient reserves. Discussion ensued regarding the financial process and ultimate policy set by Council. Shari Freidenrich, City Treasurer, stated her responsibility of overseeing the City's cash management and liquidity.

Councilmember Carchio questioned the 3% growth indicated under the Special Revenue Fund Forecast for Gas Tax and Measure M, asking whether the increased use of alternative fuels and the high cost of gasoline would affect any of those funds; and/or, if a tax on alternative fuels is anticipated. Consultant Hoshijima described concerns on Gas Tax as a viable source of funding for transportation, adding that figures indicate it does not keep up with inflation and project replacement costs, conceding that the 3% indicated in the report might be a bit aggressive. Councilmember Carchio asked if the Gas Tax could support a $30 million bond issue. Consultant Hoshijima responded that the Gas Tax bonds issued do not leverage a maximum amount and described flat assumptions.

Mayor Cook described the sales tax growth projection of 5% post fiscal year 2008-09 as wildly optimistic due to the uncertain price of oil. She stated her belief that, in terms of historical assessed values, inflation will be experienced including flat property tax coupled with a declining sales tax. She requested to see a curve illustrated with less optimism and discussed avoiding aspects of a pension crisis, citing the current success of CalPers stock market investments. She questioned what projections would look like if the stock market was not doing well at all. Administrator Emery indicated that the City could work with CalPers and capture the averaged forecasts over extended periods of time, blended over a 15-year period. Mayor Cook asked staff and the consultant to consider how having less oil would affect the assumptions presented this evening and expressed her belief that the growth projections are based upon cheap energy which is now a thing of the past, requesting an analysis be presented based upon that reality.

(City Council) Study Session No. 2 Held - Joint Study Session Between the City of Huntington Beach City Council and the Finance Board - A Review of the Finance Board's 2007 Annual Report and Discussion on the Board's Direction for 2008

Finance Board Roll Call

Present: Falzon, Geddes, King, Garcia, Jones
Absent: Lograsso

Charles Falzon, Finance Board Chair, gave a brief introduction of the Annual Report for 2007 and the Board's intent to seek comments from Council on their proposed activities for 2008. Chair Falzon then gave a PowerPoint report titled *Huntington Beach City Council/Finance Board Study Session,* which was included in the agenda packet and included the following information: Purpose of Today's Meeting, Current Members (as appointed by Mayor Cook and the City Councilmembers), Background, Additional 2007 Activities, Finance Board: 2008 Activities, Potential 2008 Activities, Conclusion/Next Steps, Finance Board Origination and Finance Board Duties.

Mayor Pro Tem Bohr asked for the by-product of last year's activity. Chair Falzon responded that the information is summarized in the report, referencing the Board's Equipment/Vehicle Administrative Regulation adopted by staff, a recommendation regarding eCivis software for grant applications, and a recommendation regarding Neighborhood Improvement Districts. Mayor Pro Tem Bohr expressed his appreciation for all of the City's Board and Commission members who devote their time and energy, and inquired if the Finance Board was feeling challenged over the past few years. Chair Falzon responded that the Board intentionally kept a lighter agenda this year due to the high priority given to their anticipated involvement with the

Long Term Financial Plan. Chair Falzon also explained the Board's opportunities for involvement with staff and the consultant now that the Financial Plan has been submitted.

Councilmember Coerper asked if the Finance Board wanted to continue its work, and Chair Falzon stated the importance of continuity in the production of the Annual Report and the Long-Term Financial Plan. Councilmember Coerper thanked the Board for doing a great job and shared his hope that the Board will continue to be visible in the future.

Mayor Cook thanked the Board for tonight's presentation, and requested that Members feel free to contact the Council at any time.

By unanimous consensus of all present, Green absent, the Finance Board adjourned and the City Council recessed to the regular Council/Redevelopment Agency meeting.

Reconvened City Council/Redevelopment Agency Meeting — 6:04 p.m.

Call to Order

City Council/Redevelopment Agency Roll Call

Present: Hansen, Hardy, Bohr, Cook, Coerper, and Carchio.
Absent: Green. (The City Council granted permission for the absence of Councilmember Cathy Green pursuant to Resolution No. 2001-54)

Pledge of Allegiance/Flag Salute — Led by Councilmember Hansen

Invocation — Provided by Councilmember Coerper

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Flynn announced the following Late Communications were received by the City Clerk's Office following distribution of the agenda packet.

Communication submitted by Coastal Geotechnical, dated November 6, 2007 titled *Geotechnical Investigation, Proposed Single-Family Residence, 16251 Typhoon Lane, Huntington Beach, California.*

Communication submitted by Nicholas and Eileen Wannett, dated February 19, 2008, untitled pertaining to Councilmember Bohr's appeal of the Planning Commission's approval of Coastal Development Permit No. 07-013.

Communication submitted by Scott Hess, Planning Director, dated March 3, 2008, and titled *Agenda Item: D-1 Amended Condition of Approval (Coastal Development Permit No. 2007-013 Taddeo Residence)*

Communication submitted by John Erskine, dated March 3, 2008, and titled *Council Item D-1 Public Hearing re: Appeal by Councilmember Bohr of the Planning Commission's approval of Coastal Development Permit No. 2007-13 (Taddeo Residence) for the Demolition and Construction of New Residence at 16251 Typhoon Lane (Trinidad Island), Huntington Beach*

Communication submitted by Interim City Administrator, Paul Emery, dated March 3, 2008 requesting Item E-7 be removed from the agenda and re-agendized for the March 17, 2008

meeting.

Communication submitted by Leonard and Dorothy Scheid, dated February/March 2008 regarding the proposed adoption of Ordinance 3800.

Communications submitted by Brenda Jensen, Marie Carriere, Patricia Powers, an unrecognizable signature, Debbie Bent, John S. Andrews, dated February 25, 2008 titled *Opposition to Sale of Dog or Cat Ad Requirements.*

Communication submitted by Patricia A. Schempp, dated February 4, 2008, untitled pertaining to the proposed adoption of Ordinance 3800.

Mayor Cook dedicated tonight's Council meeting in honor of "Women's History Month," as designated by the Federal Cultural Months and the City's Human Relations Task Force.

Presentation - Fountain Valley Regional Hospital

Mayor Debbie Cook was joined by Ron Shenkman and Steve Bone, Co-Chairs of the Huntington Beach Centennial Committee, to receive a $10,000 donation check presented by Shawn Dewers, Associate Administrator of the Fountain Valley Regional Hospital.

Steve Bone and Ron Shenkman expressed their honor to be selected as co-chairs of the City's Centennial Committee. They announced that 12-month, "themed" celebrations are currently being planned for 2009, and encouraged the entire community's involvement and participation. Mayor Cook thanked Fountain Valley Hospital for the Centennial Committee's first, major "kick off" donation, and thanked co-chairs Bone and Shenkman for their time and effort devoted to this exciting event.

Public Comments

(The numbers following speakers' comments reflect the approximate point in time in the archived video the speaker appears at http://www.surfcity-hb.org/government/agendas)

Tim Geddes, resident of southeast Huntington Beach, spoke in support of the City purchasing the surplused LeBard School site to maintain the open space uses and the SeaView Little League fields. He urged Council to negotiate with the Huntington Beach City School District for the entire site. He suggested that acquisition costs could be amortized over a period of time, and urged Council to agendize this on a near future Council agenda for immediate consideration. (16:00)

Nancy Donovan, representing Residents for Responsible Desalination, invited the City Council to a Spring Town Hall Meeting on Thursday, April 10 from 7:00 pm - 8:45 pm at Eader Elementary School. The meeting will feature Dorothy Green, author of Managing Water: Avoiding Conflict in California. She announced that copies of Ms. Green's books will be available for purchase and signing. In addition, she mentioned that an update on the Huntington Beach Poseidon Desal project will be provided. She announced to viewers at home to watch the City's Channel 3 scroll for more detailed information. (18:54)

Guy Grimes, 2-year resident of Huntington Beach, spoke to Council on behalf of business owners, Wendy and Tim Bui of Five Star Reflexology and Nail Salon located near Warner and Magnolia. He informed Council that in January, the Bui's business received five Municipal Code

violations, and upon his review, the violations are more applicable to massage establishments. He urged Council to respond to a letter Ms. Bui had sent them, requesting their assistance to amend the Municipal Code to better reflect their reflexology business. (20:45)

Mayor Cook asked Chief of Police Ken Small if he could address the citations mentioned by the speaker. Chief Small reported that numerous complaints have been received by the Police Department from citizens related to conducting massages without proper permits. He indicated that the citations issued are warranted since enforcement of violations are designated by services provided. Mayor Cook clarified that the issue appears to be that this business is not properly licensed by the State for its existing services, and Chief Small responded affirmatively.

Mark Shiroke, resident of Huntington Beach, also spoke in support of Five Star Reflexology and Nail Salon, describing the facility as a clean and legally operated business. He stated that the existing code and violations issued are more applicable to massage establishments and not pertinent to hand-foot massage services provided by this business. He expressed his desire to work with staff on behalf of owner Wendy Bui to resolve three outstanding issues. (24:58)

Mayor Cook requested that Mr. Shiroke fill out a Council Follow-Up card to facilitate further action.

John McGregor, 44-year resident of Huntington Beach, voiced support for the City to purchase the Kettler and LeBard surplus school sites, and his interest in having the City control these sites as opposed to a developer. (26:38)

Diane Amendola, thanked Council for not pursuing a mandatory spay/neuter requirement for dogs and cats in Huntington Beach. She stated that she recently read the one-day advertisements shown by Mayor Pro Tem Bohr of dogs and cats for sale, and found only one ad located in Huntington Beach. She then contacted the City's Business License division and did further research to find not one licensed breeder or commercial kennel in Huntington Beach. She urged Council not to support the Business License requirement for advertising the sale or adoption of dogs and cats.

Ann Patrick, 24-year resident of Huntington Beach, spoke in opposition to Ordinance No. 3800 pertaining to the proposed requirement to have a Business License when advertising the sale/transfer/adoption of dogs and cats. (32:30)

Teddi Alves, 33-year resident of Huntington Beach, thanked Council for not pursuing a mandatory spay/neuter requirement for dogs and cats, but urged them to deny Ordinance No. 3800 pertaining to the proposed requirement to have a Business License when advertising the sale/transfer/adoption of dogs and cats. She stated her opinion that Huntington Beach does not have a problem in this regard, and asked Council to stop wasting further time on this. (33:43)

Councilmember Coerper apologized for not returning Ms. Alves' e-mail messages, noting he had been out of town.

Mort Evans, spoke in opposition to Ordinance No. 3800, pertaining to licensing provisions established by the County of Orange for dogs and cats, and the proposed requirement to have a Business License when advertising the sale/transfer/adoption of dogs and cats. He believes the ordinance is not enforceable, and added that internet access is so widely popular for reading the newspaper, he believes the Business License requirement is obsolete. He urged Council to deny the Ordinance. (37:13)

Allen Baylis, spoke in opposition to the proposed Ordinance No. 3800, pertaining to licensing provisions established by the County of Orange for dogs and cats, and the proposed requirement to have a Business License when advertising the sale/transfer/adoption of dogs and cats. He stated his opinion that requiring a Business License would not be enforceable by law, and the inevitability of its failure in the face of the First Amendment lawsuit. (39:20)

Elmer Smith, long-time resident of Huntington Beach, spoke in support of the City purchasing LeBard and Kettler School properties. He then discussed the passage of Student Civil Rights Act, Senate Bill (SB) 777 which, in his opinion, takes away the rights of parents to protect school-aged children by allowing teachings of homosexuality, bisexuality, and trans-sexuality, stating his opinion that SB 777 will cause parents to remove their children from public schools. (41:01)

Councilmember Hansen asked Interim City Administrator Paul Emery for an update on the surplus school sites. Administrator Emery reported that the City has entered into discussions with School District representatives, reviewing the appraisal that was done as part of their analysis, and with respect to the parameters of their school sites, our citywide surplus site report adopted by the City Council, and how the City and District can identify a solution that serves both parties.

Riley Mailman, Class President of Sowers Middle School, representing the skateboard community and the positive aspects of their culture, urged Council to build a new, up-to-date skateboard park and suggested favorable sites to be Edison Recreation Center or the Huntington Beach Sports Complex. He urged Council to support youth skateboarders. (43:41)

Mary Jo Baretich, resident of Huntington Beach, voiced support for the Council to acquire the LeBard School site to preserve much-needed open space for the children. She discussed the 1,000 children who currently play in the Seaview Little League at LeBard. She also supports the City's offer to lease or purchase the Kettler School to preserve its open space and hold it as an alternative site for the City's new Senior Center. (46:30)

Stephanie Root, resident of southeast Huntington Beach and member of *Save Huntington Beach Community,* (grass roots organization formed to protect the open space and quality of life), urged Council to purchase the LeBard fields and voiced the community's support to acquire all surplus school sites offered by the Huntington Beach City School District. (47:30)

Dave Sullivan, Chairman of the 3/1 Marine Adoption Foundation, discussed the support the foundation provides families while Marines are deployed. He thanked Council for their continuous support of the Foundation, and announced two car wash fundraisers this Saturday, March 8 from 9 am - 3 pm at the Seacliff Shopping Center (Goldenwest Street and Yorktown Avenue), and First Christian Church (Adams Avenue and 17th Street). The Marine Battalion will be here to wash cars, and everyone is invited to shake their hands and support their wives' bake sale. (49:14)

Councilmember Coerper thanked Mr. Sullivan for his tremendous dedication and support of the 3/1 Marine Foundation.

Mayor Cook reminded everyone to stop by the car wash, even if they don't need to get their car cleaned, and support our troops by giving any donation they can.

Steve Stafford, resident of Huntington Beach, voiced his opinion of malfunctioning traffic signals at Ellis Avenue and Beach Boulevard and Atlanta Avenue and Beach Boulevard. He addressed the westbound traveling vehicles that "stack up," on Ellis due to the lack of signal synchronization. He indicated that he has contacted both Caltrans and the City out of concern for perceived hazardous traffic conditions caused by the malfunctioning signals. (52:30)

Jonathan Estrella, resident of Shorecrest West in Huntington Beach and representing community members within that immediate area, urged Council's support for the City to purchase the entire LeBard School site to preserve and maintain its open space. For the long-term, he urged Council to consider developing an action plan to preserve all open space opportunities. (53:58)

Cathie Turner, representing Concerned Dog Owners of California, addressed the general climate in Huntington Beach pertaining to dogs and cats. It is her opinion that Huntington Beach does not have a problem pertaining to animals, and she opposes the proposed ordinance of higher licensing fees and business license permits required for advertising animals for sale. She urged Council to not support the proposed ordinance as written. (55:29)

(City Council) AB 1234 Disclosure Reporting

City Clerk Flynn announced a report submitted by Mayor Pro Tem Keith Bohr, which is on file in the City Clerk's Office.

Mayor Cook reported attending the Borders' Committee Meeting in San Diego on February 22.

Councilmember Coerper thanked the City Administrator and Council for sending him a beautiful floral arrangement in condolence and memory of his brother, Dewey Coerper, who recently passed away. He added that Dewey had spent 28 years in the Air Force, and told Council and staff how much their support meant to him during this difficult time.

City Administrator's Report -

Administrator Emery followed up on comments made this evening pertaining to skateboard parks and invited everyone to watch for upcoming agendas of the Community Services Commission meetings for its discussions of skateboard parks in conjunction with the Commission's future projects.

City Attorney's Report of Litigation Filed - None

(City Council) Public Hearing Held - Denied Appeal by Mayor Pro Tem Keith Bohr on Behalf of Greg Howell of the Planning Commission's Approval of Coastal Development Permit No. 07-013 (Taddeo Residence) for the Demolition and Construction of a New Single-Family Residence Located at 16251 Typhoon Lane on Trinidad Island

Applicant: Greg Howell

Appellant: Mayor Pro Tem Keith Bohr

Request: To permit the demolition of an existing single family dwelling and construction of an approximately 4,194 sq. ft., two story, single family dwelling. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages

adjacent property owners to review proposed development for compatibility/ privacy issues, such as window alignments, building pad height, and floor plan layout.

Location: 16251 Typhoon Lane, 92649 (west side of Typhoon Lane, between Sagamore and Venture Drives – Trinidad Island, Huntington Harbour)

Project Planner: Andrew Gonzales

Mayor Cook announced that this was the time noticed for a public hearing to consider a communication from the Director of Planning transmitting the following Statement of Issue: NOTICE IS HEREBY GIVEN that on Monday, March 3, 2008, at 6:00 p.m. in the City Council Chambers, 2000 Main Street, Huntington Beach, the City Council will hold a public hearing on the following planning and zoning items: APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 07-013 (TADDEO RESIDENCE) appeal by Mayor Pro Tem Keith Bohr

Administrator Emery called on Scott Hess, Planning Director, who gave a brief overview of the proposed project and called on Andrew Gonzales, Assistant Planner, who gave a PowerPoint report that included the following information: Request, Action, Appeal of the Planning Commission's Action, Project Analysis and Recommendation.

Mayor Cook declared the public hearing open.

City Clerk Flynn restated for the record the following late communications pertaining to this public hearing:

Communication submitted by Coastal Geotechnical, dated November 6, 2007 titled, *Geotechnical Investigation, Proposed Single-Family Residence, 16251 Typhoon Lane, Huntington Beach, California*

Communication submitted by Nicholas and Eileen Wannett, dated February 19, 2008 untitled, a letter pertaining to Mayor Pro Tem Bohr's appeal of the Planning Commission's approval of Coastal Development Permit No. 07-013.

Communication submitted by John Erskine, dated March 3, 2008, and titled *Council Item D-1 Public Hearing re: Appeal by Councilmember Bohr of the Planning Commission's Approval of Coastal Development Permit No. 2007-013 (Taddeo Residence) for the Demolition and Construction of New Residence at 16251 Typhoon Lane (Trinidad Island), Huntington Beach*

Communication submitted by Scott Hess, dated March 3, 2008, and titled *Agenda Item D-1 Amended Condition of Approval (Coastal Development Permit No. 2007-013 Taddeo Residence)*

Tom Livengood, Planning Commission Chair, indicated that the Commission's vote was unanimous to approve the permit as presented, the Homeowners Association has approved the project, and that the Planning Commission recommends approval with findings and conditions of approval.

Todd Swain, resident of 16271 Typhoon Lane, voiced concern that he and other property owners in this subdivision have the same side yard easement issue as tonight's applicant. He believes all property owners should follow the language specified in the tract's Covenants,

Conditions and Restrictions (CC&Rs) Easement Rules, and he read Paragraph D.5 of the CC&Rs for Council's information. He stated that deviating from the CC&Rs would negatively impact the other homes, and urged Council to uphold the document's intent.

John Erskine, attorney for property owners of 16261 Typhoon Lane, spoke in opposition to the Commission's approval of this Coastal Development Permit No. 07-013. He referenced his letter to Council and discussed the three reasons of opposition to not approve the Taddeo's application for demolition and new construction. He recommended Council trail this item to allow his clients and the applicant to resolve outstanding issues.

Don Evans, resident of 16261 Typhoon Lane, thanked Council for the opportunity to speak this evening and to identify his objective, the facts around the easement issue, and his request. He advised Council that he is a licensed engineer and described ways that, in his opinion, the Taddeo's could rebuild their residence with minimal impact on this easement, while maintaining the original character of the subdivision. He reported that his property's easement was recorded in 1980, and existing improvements were approved in 1981. He stated that he has been paying taxes on the easement since he moved in three years ago. He advised Council that there are 72 lots in this subdivision and 44 lots have this side yard easement. He requested Council to require a Plan to mitigate impacts of the Taddeo construction.

Councilmember Hansen asked Mr. Evans to describe the "Plan" he recommends for allowing construction to go forward on the Taddeo's property. Mr. Evans described the means to tear down walls from the inside out and do a "wall tilt up," as opposed to long-term scaffolding on the outside, a restriction on the time the easement is taken, and posting a bond to protect the easement holder.

Mayor Cook asked for clarifications of easement designation for property tax purposes, and for objections to the Taddeo's walking/occupying the property during temporary construction. Attorney Erskine responded by stating that the Evans' would lose the enjoyment of their barbecue and planters by the project's demolition without a definitive timeline determined. Mayor Cook confirmed with staff the uses of the easement area permitted by the Homeowners Association, and permitted approvals by the City.

Mary Taddeo, applicant and property owner of 16251 Typhoon Lane, discussed all applicable recordations and approvals she has on the property, and described easement rights and mediation attempts with the Evans family.

Robert Taddeo, applicant and property owner of 16251 Typhoon Lane (son of original property owner), indicated that his parents' original home is 30 years old and in disrepair. He stated his desire to reconstruct the home and raise all home values within the subdivision, referring to copies of support letters from the neighbors. He stated that he will restore the easement in compliance with City guidelines, and is asking only to borrow the five foot easement temporarily during the course of construction.

Councilmember Coerper requested further explanation of the property taxes paid on this easement and Mr. Taddeo referred to a map illustrated to depict the easement. He discussed unsuccessful attempts to communicate with the Evans. Councilmember Coerper asked if the map reflects the one on file with the County Recorder's Office. The five-foot easement was further shown and described.

Vince Demille, project contractor with ProV Builders, was introduced and indicated that the

scaffolding will be up for three months, and identified the project's excavation and barbecue relocation to an approved area when the construction is finished.

Gregory Howell, project architect with Sky View Designs, stated his opinion that the Evans' existing barbecue would not meet today's permitted code standards. He added that the geotechnical firm that prepared the soil analysis would require a three-foot excavation and recompaction of soil beyond the five-foot easement. He indicated Mr. Taddeo's willingness to replace the removed items at the end of construction, and urged Council to deny the appeal.

Councilmember Carchio asked Mr. Howell to describe his interpretation of a permanent barbecue, and Mr. Howell discussed the responsibility that lies with the Homeowners Association and the City's permit approval process. Councilmember Carchio asked Director Hess to clarify the reported information and Director Hess discussed the difference between the required plumbing permit for the gas line and a building permit for actual construction. Councilmember Carchio asked if the appeal was upheld, could the issue of the barbecue be removed. Mr. Howell indicated that the barbecue could be removed, the home could be built with required grading and soil recompaction, and the barbecue could be replaced at the end of construction phase.

Kathy Halsey, resident of 16261 Typhoon Lane, indicated that the CC&Rs referenced tonight do not apply to this tract's easements. She stated that she brought a copy of her Grant Deed that depicts the property line, including the easement for their property tax assessment. She informed Council that she is a person who uses a wheelchair and if this construction is allowed to move forward, she would not have side yard entry access to her house. She voiced concerns about side yard access and described her interest in communicating with the Taddeo's in writing, requested to review a construction plan with firm timelines, and a defined reimbursement of the built-in barbecue, raised planters and air conditioner unit, for which she has appraisals. She stated that everyone with a side yard in this subdivision will have to disclose this easement.

Attorney Erskine urged Council to include a legitimate plan of action in its decision tonight that would allow everyone impacted to come and go in an orderly fashion. He stated his opinion that this is a unique development of the 1970s with poorly crafted CC&Rs.

Councilmember Carchio indicated that the neighbors don't appear to be so far apart that a resolution cannot be determined, and Attorney Erskine stated the need for a bond to be posted that defines construction obligations.

Mrs. Taddeo reported that she has copies of request letters for mediation sent to the Evans and has yet to get a response. She indicated that the neighbor's five-foot entry would not be obstructed and that this construction would never disallow Ms. Halsey's entrance to her own property.

There being no further persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor closed the public hearing.

Mayor Pro Tem Bohr discussed an overview of the proposed project and why he filed the appeal. He asked the contractor if a ten-foot wall could be built to rebuild the home from the inside out. The contractor and designer described why the idea would not be possible in this case. Mayor Pro Tem Bohr expressed his hope that both parties could reach a solution, and asked the Taddeos if they would pay for the replacement of the built-in barbecue and raised

planters. The Taddeos responded that they believe the location of the existing improvements would be deemed a fire hazard by today's code.

Mayor Cook asked Director Hess if the City's current code would allow a barbecue to be built right next to someone's house, and he responded that a setback requirement would be probable. Mayor Cook then asked Fire Division Chief Eric Engberg for clarification of the City's Fire Code pertaining to this issue, and Chief Engberg responded he has no citations in terms of the Fire Code restrictions, but added that the property owners would need to comply with any Building or Fire Code restrictions upon replacement of the barbecue.

Councilmember Coerper asked Attorney Erskine for the purpose of the exclusive easement between the two houses, and he replied "for the use and enjoyment by the current and predecessor residents of 16261 Typhoon Lane." He added that the Taddeos only have the right to come onto the easement upon reasonable notice for maintenance.

Mayor Cook questioned the property tax assessment issue, and Attorney Erskine replied that the Grant Deed describes the legal property and the easement areas, and is held by the County Assessor to assess property taxes based upon that legal description (copy of Grant Deed was provided to the City Clerk). Attorney Erskine then discussed the four subdivisions on Trinidad Island, and how the CC&Rs do allow for these types of improvements within the easements. Mayor Cook indicated that the intent of the developer was never to preclude someone from being able to get along the side of the home to rebuild, re-stucco, or paint, and Attorney Erskine stated his client does not want to prohibit construction, they want a defined construction plan as previously described. Mayor Cook requested proof that the CC&Rs would allow the discussed uses within the side yard.

Councilmember Coerper referred to the air conditioner unit next to the Taddeo's property, with a fence attached to their house and a gate attached to the Evans' home. He asked how this issue is addressed in the CC&Rs. Attorney Erskine replied that the Taddeo's have the right upon reasonable notice to come onto the Evans' property for maintenance as defined in the CC&Rs.

Councilmember Hansen stated that regardless of Council's action tonight, this issue is driven by two competing interests who are not willing to settle, and his interpretation would be for this property owner to have reasonable rights to remodel their home.

Councilmember Coerper called on Planning Commissioners Livengood and Dwyer to come forward and confirm that the Planning Commission had reviewed all aspects of the proposed project. Commissioner Dwyer confirmed that the Planning Commission reviewed all aspects mentioned and made its recommendation based upon its research and findings. He added that, in his opinion, this easement matter is a civil matter as opposed to a City issue.

Mayor Cook reported her interpretation of the CC&Rs as built-in barbecues and planters are not permitted in the side yard if they would unreasonably interfere with the property owners' rights to access that area and expressed her hope that the two neighbors would work this out.

A motion was made by Hansen, second Hardy to deny the appeal and approve Coastal Development Permit No. 07-013 with Suggested Findings and **Amended** Conditions of Approval, **as amended by Late Communication with Condition No. 1a,** to read as follows: "The site plan, floor plans and elevations received and dated October 9, 2007, shall be the conceptually approved design with the following modification: All references identifying the

demolition of the barbeque and planter box shall be omitted." The motion carried by the following roll call vote:

AYES:	Hansen, Hardy, Bohr, Cook, Coerper, and Carchio
NOES:	None
ABSENT:	Green

FINDINGS AND CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-013

FINDINGS FOR PROJECTS EXEMPT FROM CEQA: The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project is located within an urbanized residential zone and involves the construction of a new single family dwelling.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-013:

1. Coastal Development Permit No. 2007-013 for the demolition of an existing single family dwelling and construction of an approximately 4,194 sq. ft., two story, single family dwelling conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a previously developed site, contiguous to existing residential development.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, including maximum site coverage, maximum building height, minimum yard setbacks, and minimum on-site parking.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roads.

4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-013:

1. The site plan, floor plans, and elevations received and dated October 9, 2007, shall be the conceptually approved design with the following modification:
   a) All references identifying the demolition of the barbeque and planter box shall be omitted.

2. Prior to submittal of building permits, an exhibit shall be provided to the Planning Department verifying that the proposed first floor nook, kitchen, and laundry room windows will not align with first floor windows of the adjacent residence to the north. Any windows on the new residence that line up with those on the adjacent residence shall be moved so as not to align with existing windows.

3. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems (http://www.builditgreen.org/index.cfm?fuseaction=guidelines).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

D-2. (City Council) Public Hearing Held - Adoption of Resolution No. 2008-17 Amending Resolution No. 2007-58 (Citywide User Fees Schedule) - Establishing a New User Fee for the Planning Department Service of a Zoning Letter - Simple (Supplemental User Fee Resolution No. 1); and, Adoption of Resolution No. 2008-18 Amending Resolution No. 2007-59 (Citywide Development Fees Schedule) - Establishing New Development Fees for Various Services Provided by the Planning Department (Supplemental Development Fee Resolution No. 2)

Mayor Cook announced that this was the time noticed for a public hearing to consider a communication from the Director of Planning transmitting the following **Statement of Issue:** Notice is hereby given that a public hearing will be held by the City Council of the City of Huntington Beach, in the Council Chambers of the Civic Center, Huntington Beach located at 2000 Main Street, at the hour of 6:00 PM, or as soon as possible thereafter on Monday, the 3rd of March, 2008, for the purpose of considering the Adoption of Resolutions Amending the Comprehensive Fee Schedule including City User Fees, and Development Fees. The revisions to be considered are to reflect cost reductions realized by improvements in development services and fall under the responsibility of the Planning Department.

Administrator Emery called on Director Hess, who introduced Chris Davis, Senior Analyst, to give a PowerPoint report that included the following information pertaining to the Planning Fee Schedule: Methodology, 2005 Fee Reductions, Suggested Development Fee Reductions and Additional Items.

Mayor Cook opened the public hearing.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor closed the public hearing.

Director Hess indicated that staff is available for questions and advised Council that the Chamber of Commerce supports the proposed fee reductions.

Councilmember Coerper asked for the annual net revenue loss to the City, and staff confirmed a $25,000 annual reduction.

Mayor Pro Tem Bohr suggested that the resolution be amended by adding language that would relieve the applicant of any fees induced when a jurisdictional body adds a condition of approval that would require a variance.

A motion was made by Coerper, second Carchio to **1)** Adopt **Resolution No. 2008-17,** *"A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2007-58 Entitled, "A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide User Fees Schedule and Repealing Resolution No. 2005-74 and all Supplemental Resolutions* Thereto," and Establishing a New User Fee for the Planning Department Service of a Zoning Letter-Simple (Supplemental User Fee Resolution No. 1); and **2)** Adopt **Resolution No. 2008-18,** *"A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2007-59 Entitled, "A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide Development Fees Schedule and Repealing Resolution No. 2005-75 and all Supplemental Resolutions Thereto"* and Establishing New Development Fees for Various Services Provided by the Planning Department (Supplemental Development Fee Resolution No. 2), **as amended** to include language stating "if jurisdictional body adds a condition of approval that triggers a variance requirement, the applicant will not be responsible for variance fee." The motion carried by the following roll call vote:

AYES:	Hansen, Hardy, Bohr, Cook, Coerper, and Carchio
NOES:	None
ABSENT:	Green

Consent Calendar - Items Removed for Separate Discussion

(City Council) Approve and Authorize the Appropriation of $200,000 From the General Fund and Transfer to the Centennial Celebration Business Unit to Support the Centennial Celebration Events and Demonstrate Support to the Tournament of Roses Parade Float Selection Committee; and, Approve Two Additional Members to the Centennial Committee

(City Council) Adopt Resolution of Intention No. 2008-16 Amending the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPers) and the City Council of the City of Huntington Beach to Implement Enhanced Retirement Benefits (2.5% at 55 Formula) for the Municipal Employees' Association (MEA), Management Employees' Organization (MEO), the Non-Safety Members of the Police Officers' Association (POA), and the Non-Associated Members (NA)

(City Council) Approve and Authorize the Mayor and City Clerk to Execute Amendment No. 1 to the Professional Services Contract With Liebert Cassidy Whitmore in an Amount Not to Exceed $100,000 for Legal Services; and, Amendment No. 1 to the Professional Services Contract With Norman A. Traub in an Amount Not to Exceed $100,000 for Confidential Personnel Investigation Services

Consent Calendar - Items Approved

Mayor Cook stated for the record that Consent Item E-7 pertaining to amending the Contract between California Public Employees' Retirement System (CalPers) and the City of Huntington Beach was pulled by staff and rescheduled to a date certain of March 17, 2008.

A motion was made by Coerper, second Bohr to approve the following items on the Consent Calendar by affirmative roll call vote. The motion carried by the following roll call vote:

AYES:	Hansen, Hardy, Bohr, Cook, Coerper, and Carchio
NOES:	None
ABSENT:	Green

(City Council/Redevelopment Agency) Approved Minutes — Approved and adopted the Minutes of the City Council/Redevelopment Agency regular meeting of February 4, 2008 and the City Council/Redevelopment Agency regular meeting of February 19, 2008 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved and Authorized the City Administrator to Execute Amendment No. 1 to the Orange County, California Genealogical Society Lease Agreement for Use of Meeting Space at the Central Library With a Expiration of December 31, 2012 — Approved the *Amendment No. 1 to Agreement Between the City of Huntington Beach and the Orange County, California Genealogical Society for the Use of City Owned Genealogical Materials.* Submitted by the Director of Library Services. **Funding Source:** Not applicable.

(City Council) Adopted Resolution No. 2008-15 and Approved the Submittal of Three Projects for Grant Applications to the Orange County Transportation Authority (OCTA) for Funding under the Combined Transportation Funding Programs (CTFP), Intersection Improvement Program (IIP) — Adopted **Resolution No. 2008-15,** *"A Resolution of the City Council of the City of Huntington Beach Approving the Submittal of Three Improvement Project(s) to the Orange County Transportation Authority for Intersection Improvement Program Funding Under the Combined Transportation Funding Program."* Submitted by the Director of Public Works. **Funding Source:** No funding source is required for this action. Growth Management Area - 6 has committed to provide the required matching funding for this phase of the proposed projects.

(City Council) Awarded Contract in the Amount of $476,000 to Nationwide Environmental Services, Inc. for Residential Street Sweeping Services, MSC-450 and Authorized the Mayor and City Clerk to Execute a Maintenance Contract in a Form Approved by the City Attorney — **1)** Accepted the proposal submitted by Nationwide Environmental Services, Inc., in the amount of $476,000 for MSC-450; and, **2)** Authorized the Mayor and City Clerk to execute a maintenance contract in a form approved by the City Attorney. Submitted by the Director of Public Works. **Funding Source:** Funds in the amount of $209,000 are available in the Public Works Street Sweeping program budget, 10085415.64620. Additional funds of $96,000 will be reallocated from within Public Works approved budget.

(City Council) Approved and Authorized the Mayor and City Clerk to Execute a Professional Services Contract in an Amount Not to Exceed $500,000 Over a Three-Year Period to Tetra Tech Inc. for On-Call Staff Support and Plan Check Services — Approved and authorized the Mayor and City Clerk to execute the Professional Services Contract between the City of Huntington Beach and Tetra Tech Inc. for on-call support and plan check services.

Submitted by the Director of Public Works. **Funding Source:** Sufficient funds are available from the General Fund, Development Services, Professional Services, 10085251.69365. Funding in the amount of $150,000 was appropriated for Fiscal Year 2007/2008. Additional funding will be authorized as needed over the term of the contract.

(City Council) Approved and Authorized the Appropriation of $200,000 From the General Fund and Transfer to the Centennial Celebration Business Unit to Support the Centennial Celebration Events and Demonstrate Support to the Tournament of Roses Parade Float Selection Committee; and, Approved Two Additional Members to the Centennial Committee — 1) Approved and authorized the appropriation of $200,000 from the undesignated, unappropriated fund balance of the General Fund and transfer to the Centennial Celebration business unit account (10300103.48300.30); and, **2)** Approved two additional members to the Centennial Committee.

Councilmember Hansen removed this item from the Consent Calendar to discuss funds requested. Laurie Payne, Public Relations Officer and staff liaison to the Centennial Committee, informed Council that she had prepared a brief PowerPoint presentation for clarification that included the following information: Centennial Committee, Goals, Centennial Events, Rose Bowl Parade Float, Benefits to Having a Float, Other Potential Centennial Events, Centennial Fundraising Ideas, Centennial Displays and Centennial Committee.

Councilmember Hansen encouraged everyone to participate and discussed the importance of celebrating the City's Centennial anniversary.

Councilmember Hardy complimented the Centennial Committee on the new Centennial logo, and asked if there was a liaison from the Historic Resources Board on the Centennial Committee. Liaison Payne responded that Diane Ryan and Kate Hoffman are both staffing the Committee, and since the City's actual incorporation date is February 9, the Committee Members are setting aside the entire month of February 2009 for the Arts' themed events and historic displays at the Art Center.

Councilmember Coerper, Council Liaison to Centennial Committee, asked Committee Co-chairs Steve Bone and Ron Shenkman to come forward to provide an update on the various activities being planned by the Committee's subgroups. Co-chairs expressed the diligent efforts and enthusiasm of the various committees involved in scheduling events for the entire community's enjoyment and participation. Councilmember Coerper questioned if Council's approval of $200,000 tonight for the City float would have any constraints on the committee. Co-chair Shenkman replied that the $200,000 is a placeholder for the Tournament of Roses to know that the City is serious about participating in the 2009 Rose Parade, and he described the Committee's hard work ahead for fundraising efforts. Councilmember Coerper thanked Co-chairs for their hard work and commitment to make this the greatest event in the City's history.

Councilmember Carchio thanked Co-chairs for attending tonight's meeting and stated the importance of recognizing the entire committee for the great work they are doing. He asked Co-chairs to feel free to contact staff and Council for any help they needed.

Mayor Pro Tem Bohr, Council Liaison to Centennial Committee, described the various events being discussed from a beach party to a black-tie Centennial Ball.

A motion was made by Hansen, second Coerper to **1)** Approve and authorize the appropriation of $200,000 from the undesignated, unappropriated fund balance of the General Fund and transfer to the Centennial Celebration business unit account (10300103.48300.30;) and, **2)** Approve two additional members to the Centennial Committee. The motion carried by the following roll call vote:

AYES:	Hansen, Hardy, Bohr, Cook, Coerper, and Carchio
NOES:	None
ABSENT:	Green

(City Council) NO ACTION TAKEN. THIS ITEM WAS PULLED TO A DATE CERTAIN OF MARCH 17, 2008. Adopt Resolution of Intention No. 2008-16 Amending the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City Council of the City of Huntington Beach to Implement Enhanced Retirement Benefits (2.5% at 55 Formula) for the Municipal Employees' Association (MEA), Management Employees' Organization (MEO), the Non-Safety Members of the Police Officers' Association (POA), and the Non-Associated Members (NA) 1) Adopt Resolution of Intention No. 2008-16 - "A Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Huntington Beach;" 2) Authorize the City Clerk to execute the Certification of Governing Body's Action and the Certification of Compliance with Government Code Section 7507 (PERS-CON-12;) and, 3) Authorize and approve Mayor to execute CALPERS Resolution of Intention (PERS-CON-12A). Submitted by: Director of Human Resources. **Funding Source:** The cost to implement the retirement plan enhancement will be borne by the affected employees in all groups; MEA, MEO, POA miscellaneous (non-safety) members and NA employees.

(City Council) Approved and Authorized the Mayor and City Clerk to Execute Amendment No. 1 to the Professional Services Contract With Liebert Cassidy Whitmore in an Amount Not to Exceed $100,000 for Legal Services; and, Amendment No. 1 to the Professional Services Contract With Norman A. Traub in an Amount Not to Exceed $100,000 for Confidential Personnel Investigation Services - 1) Approved *Amendment No. 1 to Professional Services Contract Between the City of Huntington Beach and Liebert Cassidy Whitmore for Legal Services,* and authorize the Mayor and City Clerk to execute the contract; and **2)** Approved *Amendment No. 1 to Professional Services Contract Between the City of Huntington Beach and Norman A. Traub Associates for Investigation Services;* and authorize the Mayor and City Clerk to execute the contract. Submitted by the City Attorney. **Funding Source:** $100,000 is appropriated in Human Resources, Liability Insurance 10030502.72525 for Liebert Cassidy Whitmore. $100,000 is appropriated in Police Department, Jail Fund 31070601.69380 for Norman A. Traub Associates.

Councilmember Coerper removed this item from the Consent Calendar for clarification of retaining outside legal counsel. City Attorney Jennifer McGrath responded that this is the first time in five years that a case has been referred out, explaining conflict of interest factors behind using internal counsel to legally represent individuals who are simultaneously under investigation. She also clarified for Councilmember Coerper that the case involves a personnel matter.

A motion was made by Coerper, second Carchio to **1)** Approve *Amendment No. 1 to Professional Services Contract Between the City of Huntington Beach and Liebert Cassidy*

Whitmore for Legal Services, and authorize the Mayor and City Clerk to execute the contract; and **2)** Approve *Amendment No. 1 to Professional Services Contract Between the City of Huntington Beach and Norman A. Traub Association for Investigation Services;* and authorize the Mayor and City Clerk to execute the contract. The motion carried by the following roll call vote:

AYES:	Hansen, Hardy, Bohr, Cook, Coerper, and Carchio
NOES:	None
ABSENT:	Green

(City Council) Adopted Ordinance No. 3799 Amending Chapter 13.52 of the Huntington Beach Municipal Code (HBMC) Relating to the City Parking Structures

A motion was made by Coerper, second Hardy to after City Clerk reads by title, Adopt **Ordinance No. 3799,** *"An Ordinance of the City of Huntington Beach Amending Chapter 13.52 of the Huntington Beach Municipal Code Relating to the City Parking Structures."* by roll call vote. The motion carried by the following roll call vote:

AYES:	Hansen, Hardy, Bohr, Cook, Coerper, and Carchio
NOES:	None
ABSENT:	Green

(City Council) Approved for Introduction Ordinance No. 3800 Amending Chapter 7.08 of the Huntington Beach Municipal Code (HBMC) Relating to Licensing Provisions of Dogs and Cats

Communication submitted by the Chief of Police transmitting the following

Statement of Issue: On February 4, 2008, the City Council directed staff to amend chapter 7.08 of the Huntington Beach Municipal Code relating to the licensing provisions of dogs and cats and adding the requirement to display a business license number in any advertisement that offers dogs or cats for adoption, sale, barter, or other transfer of ownership.

Councilmember Hardy requested clarification from Finance Director Villella to describe requirements for business licenses. She discussed her perception of the proposed Ordinance which is designed to encourage breeders to be properly licensed and discourage persons who are not breeders. She questioned if an in-home business with a license would be subject to the same in-home occupational code enforcement inspections. Director Villella responded that there are a number of restrictions applicable to in-home businesses, intended for customer driven businesses where customers come to the home for product. He added that these restrictions would apply for pet owners who have customers come to their home.

Councilmember Coerper asked Administrator Emery how business license fees are established. Administrator Emery deferred to Finance Director Dan Villella who explained that fees are established by ordinance, and categorized by business type and size of business with periodic review. Attorney McGrath responded with the distinction that animal License fees are established by the County of Orange and Business License fees are set by the City's ordinance. Councilmember Coerper asked how the City is going to enforce the ordinance as recommended, and Director Villella responded that the Business License Division employs one Field Officer for enforcement. He added that those types of violations are typically reported by neighbors and follow-ups occur in response to reports.

Councilmember Carchio stated that he finds it hard to penalize a person who can no longer care for their pet, and stated his opinion that the licensing should apply to want ads to sell a dog for profit. Attorney McGrath indicated that no action taken by Council tonight would change the requirement that the pet owner has to have a business license. Councilmember Coerper discussed restrictions on a family who wanted to give away a litter born to their dog, and Attorney McGrath responded that under Title 5 of the ordinance they would not be required to have a business license at all.

Councilmember Hansen read the language indicated within the ordinance pertaining to the requirement of business license for advertising and requested clarification of the language in the ordinance. Attorney McGrath described that this ordinance does not impose the business license requirement, this law imposes the advertising requirement.

Mayor Pro Tem Bohr discussed what he believed to be inaccuracies stated during public comments, and described the adoption of this ordinance as providing the much needed tool and a point of reference when future violations occur. He thanked Council for its support by adopting this small step.

A motion was made by Bohr, second Hardy to after City Clerk reads by title, approve for Introduction **Ordinance No. 3800,** *"An Ordinance of the City of Huntington Beach Amending Chapter 7.08 of the Huntington Beach Municipal Code Relating to Licensing Provisions for Dogs and Cats."* The motion carried by the following roll call vote:

AYES:	Hardy, Bohr, Cook, and Coerper
NOES:	Hansen, and Carchio
ABSENT:	Green

(City Council) Approved for Introduction Ordinance No. 3801 Amending Chapter 8.21 of the Huntington Beach Municipal Code (HBMC) Pertaining to Refuse Management by Matching the New Residential Service Methods Implemented in 2007 and Allowing for a More Prompt Enforcement of the City's Commercial Hauling Franchise

Communication submitted by the Director of Public Works transmitting the following

Statement of Issue: Revisions to Chapter 8.21 of the Huntington Beach Municipal Code are proposed to match the new residential service methods implemented in 2007 and to allow for more prompt enforcement of the City's commercial hauling franchise.

A motion was made by Hardy, second Coerper to after City Clerk reads by title, Approve Introduction of **Ordinance No. 3801,** *"An Ordinance of the City of Huntington Beach Amending Chapter 8.21 of the Huntington Beach Municipal Code Pertaining to Refuse Management."* The motion carried by the following roll call vote:

AYES:	Hansen, Hardy, Bohr, Cook, Coerper, and Carchio
NOES:	None
ABSENT:	Green

(City Council) NO ACTION TAKEN ON THIS ITEM. WITHDRAWN BY COUNCILMEMBER CARCHIO - Monitor the City of Long Beach's Progress Pertaining to the Possibility of Adopting an Ordinance Restricting Where Registered Sex Offenders Could Reside in Their City

The City Council considered a communication from Councilmember Carchio transmitting the following

Statement of Issue: Recently, I became aware that the city of Long Beach was researching the possibility of adopting an ordinance restricting where registered sex offenders could reside in their city. The current statutes do not restrict offenders from living near day-care facilities or living in separate units within a multi-family complex. There have been instances in Long Beach where 13 registered sex offenders have resided in the same 12-unit apartment complex. Long Beach is researching all options available to them in their effort to monitor offenders residing in their city. If an ordinance is drafted and adopted, I believe we should evaluate it and determine if such a regulation could positively impact our community.

Councilmember Carchio referenced the upsetting news reports in 2002, of five-year old Samantha Runion who was kidnapped while riding her bike in front of her home, sexually assaulted, and strangled to death by a predator. He approached Council for its support of researching the possibility of adopting an ordinance restricting where registered sex offenders could reside within the City.

Motion by Carchio, second Coerper to direct staff to monitor the City of Long Beach's progress on this subject. It is further recommended that staff be directed to return with a recommendation if an ordinance is adopted by the City of Long Beach (Discussion followed).

Councilmember Hardy stated that she would not be supporting the motion, expressing concern that since the passage of Jessica's Law in California, there has been a dramatic increase in sex offenders who now register as "homeless." She stated her opinion that restricting sex offenders by residency will not solve the problem, given that the majority of offenders offend within their own home. She also stated concern for violent criminal offenders, but was uncertain about the crime reoccurring if sex offenders are not provided an opportunity to rehabilitate within a safe environment like a shelter in order to function within society.

Councilmember Coerper asked for clarification of the intent of the study conducted by the City of Long Beach, and if the study would apply to Huntington Beach. He asked Chief of Police Ken Small to discuss the impacts on the Huntington Beach Police Department to track the efforts of Long Beach. Chief Small reported that the City's Police Department is currently working with the City of Long Beach and will continue to do so. Councilmember Coerper asked how many registered sex offenders there are in Huntington Beach. Chief Small responded that today, Megan's Law database showed 91 registered sex offenders in Huntington Beach. He described how the number is actually higher, based upon the registration of events not disclosed on the website. He discussed how the activity would continue to be monitored, and that passing the H-item would not create more work for the Police Department.

Mayor Pro Tem Bohr stated that from a procedural perspective, he would not support the motion since he believes H-items are to direct staff to do work that they are otherwise not doing, tasks that take four hours or more with effects on the budget. He indicated that since the Police Department is already working with the City of Long Beach, he considers the proposed H-item counter-productive and micro-managing, and stated support of the Police Department's efforts to continue to monitor this issue.

Mayor Cook stated that she would not be supporting the motion because she feels that the Police Department is already monitoring the problem and doesn't require additional

direction. She also voiced concerns that certain laws have created a high concentration of unintended consequences, and stated her opinion that moving some offenders into a homeless situation doesn't make sense or provide the community protection. She asked Councilmember Carchio if he would like to withdraw the motion. Councilmember Carchio asked for clarification from Chief Small that his department is already tracking the efforts of the City of Long Beach, and Chief Small responded affirmatively.

Councilmember Carchio withdrew his motion based upon the report by Chief Small.

Council Comments — (Not Agendized)

Mayor Cook reported attending the Miss Huntington Beach Scholarship Pageant last Saturday night, March 1.

Council/Agency Adjournment

Mayor Cook adjourned the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach at 9:27 p.m. to Monday, March 17, 2008, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chair